

## REMARKS/ARGUMENTS

Upon review of the allowed claims, Applicants noted the allowance of claims 14-16, which Applicants had intended to cancel consistent with what was done in the first amendment after final filed November 13, 2007, which first amendment was not entered. Thus, due to an oversight, claims 14-16 were not canceled in the second amendment after final filed April 22, 2008, which amendment was entered, with the result that claims 14-16 were among the claims allowed. The amendment above restores Applicants' previous intent by canceling claims 14-16.

Since this amendment only cancels allowed claims, Applicants respectfully submit that this amendment does not require anything other than a cursory review by the Examiner.

Also, since this amendment is being filed simultaneously with the payment of the Issue Fee, Applicants respectfully submit that this amendment is timely.

Moreover, as set forth in MPEP § 714.16(a), "[the primary examiner] has authority to enter amendments submitted after Notice of Allowance of an application which embody merely \* \* \* the cancellation of claims from the application, without forwarding to the supervisory patent examiner for approval."

Further, that same section of the MPEP provides that where these types of amendments "are shown (A) to be needed for proper disclosure or protection of the invention, and (B) to require no substantial amount of additional work on the part of the Office, they may be considered and, if proper, entry may be recommended by the primary examiner." With respect to requirement (A), Applicants note that claims 14-16 lack *ipsis verbis* support in the original specification and, although they still satisfy the written description requirement, as found by the Examiner, the invention is believed better protected by canceling these claims. With respect to requirement (B), as noted above, this amendment merely cancels allowed claims and, therefore, USSN 10/772,033  
Amendment Under 37 CFR § 1.312(a)

involves nothing more than a cursory review by the Examiner.

In view of the foregoing, Applicants respectfully request entry of this amendment.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By /Kurt G. Briscoe/

Kurt G. Briscoe

Attorney for Applicant(s)

Reg. No. 33,141

875 Third Avenue - 18<sup>th</sup> Floor

New York, New York 10022

Phone: (212) 808-0700

Fax: (212) 808-0844